

REMARKS

The Office action December 8, 2008, and the references cited have been fully considered. In response, please enter the enclosed amendments and consider the following remarks presented herein. Reconsideration and/or further prosecution of the application is respectfully requested.

Applicants appreciate the thoughtful examination of the application, including allowing claims 23, 39, and 40, as well as determining that claim 32 would be allowed if re-written in independent claim format.

Additionally, Applicants appreciate the guidance provided by Examiner Zhen that amending independent claim 33 to add limitations which correspond to those recited in dependent claims 34, 41 and 42 should put independent claim 33 and its dependent claim 43 in condition for allowance.

In view of the long pendency of this application, Applicants simply present amendments herein to put the application in condition for allowance based on the subject matter already determined allowable by the Office. The following describes the amendments presented herein.

The first claim set consisting of independent claim 1 and dependent claims 2, 3, 29, 30, 35 and 36 have been cancelled.

Dependent claim 32, in the second claim set, was determined to be allowable if rewritten in independent claim format. As such, independent claim 13 is amended to add the limitations of dependent claims 31 and 32, with claims 31 and 32 cancelled. Dependent claims 14, 15, 37 and 38 are not amended, and are allowable for at least the reasons determined by the Office for allowance of independent claim 13 (including the limitations of previously pending dependent claims 31 and 32)..

The third claim set of independent claim 23 and dependent claims 39 and 40 stands as allowed.

Independent claim 33, in the fourth claim, is amended to add the limitations of dependent claims 34, 41 and 42, and should be allowable as indicated by Examiner Zhen. Dependent claim 43 should be allowable for at least these same reasons.

Independent claim 48, in the fourth claim, is amended to add the limitations of dependent claims 49, 50 and 51, and should be allowable as indicated by Examiner Zhen in regards to independent claim 33 as claims 48-51 in the fifth claim set mirrors claims 33, 34, 41 and 42 in the fourth claim set, but with these claim sets written in different claim formats.

Applicants have added a sixth and seventh claim set directly based on allowed claims 23 and 39-40 to add different claim formats. Independent claim 52 and its dependent claims 53-54 are written as apparatus claims in means plus function format, and correspond to allowed claims 23, 39 and 40, respectively. Additionally, independent claim 55 and dependent claims 56-57 are added as apparatus claims reciting the use of one or more processors and memory performing the steps recited in allowed claims 23 and 39-40 respectively. Support for these claims includes one embodiment at least illustrated in each of FIG. 1A, 1B, 2A, 3, and 4, and correspondingly described in the specification on pages 6-12 of the original disclosure. Note, such apparatus recited in each of these claims includes hardware and recites patentable subject matter. This position is supported by *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 47 USPQ2d 1596 (Fed. Cir. 1998) ("*State Street Bank*"). The Federal Circuit in properly construing the recited first-fifth means limitations of claim 1 at issue in *State Street Bank*, construe them to be "an arithmetic logic circuit configured to [perform the respective recited operation]." *Id.* at 1599. For at least the reasons the Office allowed claims 23 and 39-40, claims 52-57 are believed to be allowable.

In re MICHAELI ET AL., Application No. 09/845,606
Amendment H

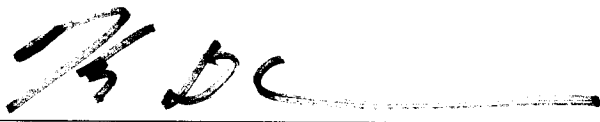
Final Remarks. In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over all prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. Applicant requests any and all rejections and/or objections be withdrawn. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney, as Applicants are open to discussing, considering, and resolving issues.

Applicants request a one-month extension of time is required. Should a different extension of time be deemed appropriate, Applicants hereby petition for such deemed extension of time. Applicants further authorize the charging of Deposit Account No. 501430 for any fees that may be due in connection with this paper (e.g., claim fees, extension of time fees) as required in addition to the payment made herewith using EFS-Web.

Respectfully submitted,
The Law Office of Kirk D. Williams

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By



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